



NEWS RELEASE
*Office of the
United States Attorney
for the
District of Nebraska*
Joe W. Stecher

1620 Dodge Street Suite 1400 Omaha NE 68102-1506 (402) 661-3700

March 17, 2009

United States Attorney Joe W. Stecher and the U.S. Department of Labor and the Occupational Safety and Health Administration announce the following information for the attention of the media:

Event Triggering this Release: United States Attorney Joe W. Stecher announced that the Crossroads Cooperative Association (Crossroads) was sentenced today for a criminal violation of regulations promulgated pursuant to the Occupational Safety and Health Act of 1970. Crossroads pled guilty and was sentenced on March 17, 2009, to an information charging the offense. The violation resulted in the death of Joseph Teague, a laborer employed at Crossroad's Lorenzo, Nebraska, grain-handling facility. On May 7, 2007, Crossroads was having trouble emptying grain from one of its Lorenzo elevators. Joseph Teague was instructed to enter the bin in order to empty the grain at the bottom of the bin. An auger and a conveyer belt at the bottom of the bin were left running to facilitate removal of the grain from the bin. This violated the safety standard that required such machinery to be rendered inoperable if any person was inside the bin. For a time while Joseph Teague was inside the bin, no Crossroads employee was observing him. While Joseph Teague was inside the bin he was buried by shifting grain. After staff at the Lorenzo facility noticed Teague was missing, it took approximately 30 minutes to locate his body buried under 5-7 feet of grain. He had died of suffocation.

The criminal statute violated by Crossroads provides that a willful violation of an OSHA regulation which causes the death of an employee is a misdemeanor. United States Magistrate Judge David L. Piester imposed a \$100,000 fine and placed Crossroads on probation for two years under certain conditions, including a requirement that it comply with all OSHA rules and regulations, that it permit unrestricted access to all Crossroad's work sites to OSHA representatives for inspection purposes, and that it comply with the provisions of a separate administrative agreement with OSHA.

U.S. Attorney Stecher stressed the importance of enforcing workplace safety rules. Protecting citizens from death or serious injury, particularly in the grain handling industry is as important as any type of case the United States Attorney's office handles and he stressed that his office will be

aggressive in prosecuting employers who do not provide a safe environment for their employees.

Name of Defendant: Crossroads Cooperative Association

Crime(s) Charged and Potential Penalty: Willful violation of OSHA regulation causing death of an employee; fine of up to \$500,000

Specific Location of Alleged Crime: Lorenzo, Nebraska

Location of Arrest: N/A

Alleged Dollar Loss/Type and Quantity of Drug: N/A

Others Charged in Same Scheme: None

Relevant Dates:

Date of Alleged Crime: 05/07/2007

Federal Arrest Date: N/A

Date Complaint Issued: N/A

Information filed Date: 03/03/2009

Initial Appearance Date: 03/17/2009

Plea or Trial and Date(s): 03/17/2009

Sentencing Date: 03/17/2009

Next Court Hearing Type and Date: N/A

Assigned Magistrate Judge: David Piester

Initials of Assigned AUSA/Preparer of THIS Release: ALE